

ORDINANCE NO. 95- 32

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 85-40 AS AMENDED BY ORDINANCES NO. 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14, AND 94-28, ESTABLISHING AN AMENDED FIVE YEAR ROAD PROGRAM; PROVIDING FOR TITLE; PURPOSE; ADOPTION OF REVISED FIVE YEAR ROAD PLAN AND REVISED LIST OF PROJECTS CONTAINED IN EXHIBIT "A"; IMPLEMENTATION OF PLAN; MODIFICATION OF PLAN; FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; EFFECTIVE DATE.

WHEREAS, by Ordinance 85-40, the County established a five-year road program setting forth the road projects to be funded, designed and constructed by the County within the next five years; and

WHEREAS, Ordinance 85-40 required annual updates of the road projects by December of each year and permits modifications of the plan no more than twice in a one year period; and

WHEREAS, the Board of County Commissioners annually updated Ordinance 85-40 by enacting Ordinances 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14 and 94-28 by amending the attachment identified as Exhibit "A" to each of the Ordinances; and

WHEREAS, the Board has considered the funding and timing of road projects for the next five years as set forth in Exhibit "A" to Ordinance 94-28 and desires to revise Exhibit "A" of Ordinance 94-28 to reflect such changes; and

WHEREAS, the Board wishes to amend the Five Year Road Program Ordinance by amending Exhibit "A" and enacting a new Exhibit "A" to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

SECTION I.

Ordinance 85-40, as amended by Ordinances 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14 and 94-28 is hereby amended.

1 **TITLE**

2 This Ordinance shall be known as the "Palm Beach
3 County Five Year Road Program Ordinance."

4 **PURPOSE**

5 The Palm Beach County Comprehensive Plan, Traffic
6 Circulation Element, is designed to be used as a guide to meet
7 existing and future ground transportation needs of the County
8 including major roadways within incorporated municipalities.
9 The element analyzes the primary transportation network within
10 the County to determine system deficiencies and identify
11 improvements.

12 The Board of County Commissioners now desires to
13 codify in this Ordinance a reasonably attainable program of
14 roadway construction for the next five years and match the
15 construction of the projects with available funding. The
16 further purpose of this Ordinance is to encourage the
17 prioritization of projects, provide for better timing of
18 right-of-way acquisition and provide improved planning for
19 financial funding mechanisms.

20 **ADOPTION OF REVISED FIVE YEAR ROAD PLAN**

21 The list of projects for the Five Year Road Program
22 set forth in Exhibit "A," of Ordinance 85-40, as amended, is
23 hereby modified as set forth in a new Exhibit "A", attached
24 hereto and incorporated herein, and is hereby adopted as the
25 Five Year Road Plan. Exhibit "A" of Ordinance 94-28 is hereby
26 deleted and replaced with the new Exhibit "A", attached
27 hereto.

28 **IMPLEMENTATION OF PLAN**

29 The County Administrator and the County Engineer are
30 directed to implement the Five Year Road Plan by taking such
31 actions as are necessary to cause the construction of the
32 roadway segments indicated on the Plan, make periodic reports
33 to the Board of County Commissioners with regard to the
34 progress of the projects and to bring all necessary agreements

1 and budget amendments to accomplish the project to the Board
2 of County Commissioners for consideration.

3 MODIFICATION OF PLAN

4 Each year prior to December, the Board of County
5 Commissioners shall consider an amendment to this Ordinance
6 modifying the list of projects contained on Exhibit "A" to
7 create a viable list of funded projects for the succeeding
8 five years. From time to time during each year, the Board of
9 County Commissioners, by resolution, may shift funding within
10 the program to promote the more efficient construction of the
11 projects. Deletions, substitutions and additions of entire
12 construction projects from Exhibit "A" may only be
13 accomplished by Ordinance of the Board of County
14 Commissioners. Deletions of projects may be accomplished no
15 more frequently than twice a year.

16 FUNDING OF OTHER ROADWAY IMPROVEMENTS,

17 INTERPRETATION OF EXHIBIT

18 This Ordinance shall not be construed to prevent the
19 Board of County Commissioners from constructing other roadway
20 improvements which are not listed on Exhibit "A," provided the
21 projects are funded from sources which will not delete or
22 delay projects included on Exhibit "A."

23 It is recognized that Exhibit "A" depicting limits
24 of the various projects, length of projects, type of work,
25 timetables and costs are approximations that will require
26 modification and updating by the County Administrator based
27 upon more detailed information and bidding results; provided
28 that the following changes may only be made by the County
29 Commission:

30 (a) Changes that increase or decrease the total
31 approved appropriations of the program.

32 (b) Changes requiring funding from a reserve
33 account.

34 (c) Changes increasing a Board approved project
35 budget by more than five percent.

(d) Changes which significantly affect the scope, nature, or phasing of a capital project.

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon receipt of acknowledgement from the Secretary of State.

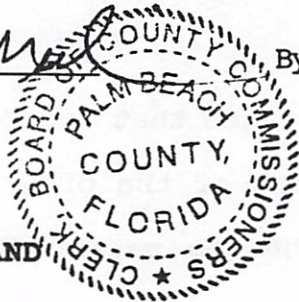
APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, this 15th day of August, 1995.

DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Barbara A. Wilken
Deputy Clerk

By: [Signature]
Chair



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Maureen L. [Signature]
County Attorney

1 ~~EFFECTIVE DATE~~ Acknowledgement by the Department of State of the
2 State of Florida, on the 25th day of August, 1995,
3 and filed in the Office of the Clerk of the Board of County
4 Commissioners of Palm Beach County, Florida.

5 ~~N/A~~ ~~EFFECTIVE DATE~~: Acknowledgement from the Department
6 of State received on the _____ day of _____, 1995, at
7 _____ m., and filed in the Office of the Clerk of the Board
8 of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 8/15/95
DATED at West Palm Beach, FL on 9/6/95.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

(DOLLAR AMOUNTS IN 1,000's)

PROJECT	LIMITS	DESCRIPTION	FY 94/95 COST-PHASE	FY 95/96 COST-PHASE	FY 96/97 COST-PHASE	FY 97/98 COST-PHASE	FY 98/99 COST-PHASE
* Melaleuca Lane	Haverhill - Military Trail	0.7 mi, 5 L	0	0	0	940	0
Mercer Ave	Belvedere Rd - Australian Ave	0.4 mi, 4/5 L	0	0	0	2,370 R	0
Military Trail	Palmetto Park Rd - S. of Glades Rd	1.4 mi, 6 L	0	2,300 C	0	0	0
Military Trail	Glades Road - Clint Moore Road	2.8 mi, 6 L	0	0	0	2,410 C	0
Military Trail	Clint Moore Rd - W. Atlantic Ave	3.1 mi, 6 L	0	0	3,580 C	0	0
* Miner Road	Lawrence Rd - Congress Ave	1.0 mi, 2/3 L	0	900 C	0	0	0
* Northlake Blvd	W of Turnpike - Military Trail	2.0 mi, 6 L	7,210 C	0	0	0	0
* Northlake Blvd	Coconut Boulevard - Ibis	2.0 mi, 4 L	0	500 D	0	0	0
Northlake (Reliever)	Military Trail - Garden Road	1.0 mi, 2/3 L	0	0	3,470 R	0	0
Northlake (Reliever)	Garden Road - Congress Ave	0.7 mi, 2/3 L	0	1,460 C	0	0	0
Okeechobee Blvd	Extension W of Seminole Pratt	0.15 mi, 2 L	200 C	0	0	0	0
Old State Road 80	rehabilitation/heavy maintenance	0	0	0	0	0	0
Pathway Program	Countywide School & Recreational	pathways	1,250 DRC	1,500 DRC	1,500 DRC	1,500 DRC	1,590 C
Prosperity Farms Rd	Archie's Creek Bridge	0.1 mi, 5 L	0	310 C	0	0	1,500 DRC
Reserve - - Beautification	Countywide	beautification	100 B	300 B	400 B	500 B	600 B
Reserve - - Street Lighting	Countywide	street lighting	200 L	400 L	500 L	600 L	700 L
Reserve - - Plans/Align.	Countywide	design/studies	2,700 DS	2,000 DS	2,000 DS	2,000 DS	2,000 DS
Reserve - - R/W	Countywide	land acquisition	2,100 R	1,500 R	2,600 R	4,000 R	2,800 R
Reserve - - Construction	Countywide	construction reserve	0	0	0	0	0
* Royal Palm Beach Blvd	Orange Grove Blvd - Persimmon Blvd	0.5 mi, 5 L	0	1,160 C	0	0	0
* School Board Program	Traffic Signal Installations	0	0	300 D/C	300 D/C	0	0
Silver Beach Road	Congress Avenue - Avenue S	0	0	0	650 C	0	0
Sims Road	Aspenridge Rd - Lake Ida Road	0.4 mi, 2/3 L	580 C	0	0	0	0
South Shore Blvd	Pierson Road - Big Blue Trace	1.6 mi, 4 L	0	3,000 C	0	0	0
South Shore Blvd	Big Blue Trace - Forest Hill Blvd	0.9 mi, 4 L	1,990 C	0	0	0	0
Westgate Ave	Military Trail - Congress Ave	1.5 mi, 5 L	0	3,220 C	0	0	0
Woolbright Road	Congress Ave - I-95	0.9 mi, 6 L	0	0	1,350 C	0	0
TOTAL COSTS			38,790	59,450	66,090	37,690	28,840

* = See footnotes; S = Study; D = Design; M = Mitigation; R = Right of Way; C = Construction; P = Payment; B = Beautification; L = Street Lighting

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FOOTNOTES TO THE INDIVIDUAL PROJECTS CONTAINED IN THE PLAN

10th AVENUE NORTH - MILITARY TRAIL TO CONGRESS AVENUE

Funding to be held in reserve pending resolution of West Peninsular Title case.

This funding will be available for construction of the described improvements if this funding is not required for the West Peninsular case.

827A (BELLE GLADE) - BOLLES CANAL TO SR 80

R/W anticipated to be donated

BOND ISSUE PROCEEDS (DONALD ROSS ROAD - PROSPERITY FARMS ROAD TO US 1)

Program revenue estimate represents net proceeds of planned bond issue.

CLINT MOORE ROAD AT FLORIDA'S TURNPIKE

Palm Beach County & Florida Department of Transportation Agreement dated 12/7/92

JOG ROAD/ROEBUCK ROAD - OKEECHOBEE BOULEVARD TO HAVERHILL ROAD

Interlocal agreement with the City of West Palm Beach

LANTANA ROAD AT FLORIDA'S TURNPIKE

Palm Beach County & Florida Department of Transportation agreement dated 5/12/94

LANTANA ROAD - HAGEN RANCH ROAD TO JOG ROAD

Balance of funding to construct Lantana Road as required by Smith Dairy Agreement

MELALEUCA LANE - HAVERHILL ROAD TO MILITARY TRAIL

Funding to be held in reserve pending resolution of West Peninsular Title case.

This funding will be available for construction of the described improvements if this funding is not required for the West Peninsular case.

MINER ROAD - LAWRENCE ROAD TO CONGRESS AVENUE

Anticipates Joint Project Agreement with the City of Boynton Beach

NORTHLAKE BOULEVARD - W. OF FLORIDA TURNPIKE TO MILITARY TRAIL

Tri-Party Agreement with City of Palm Beach Gardens &

Northern Palm Beach County Water Control District

NORTHLAKE BOULEVARD - COCONUT BOULEVARD TO IBIS

Palm Beach County and Indian Trail Water Control District agreement dated 4/28/92

ROYAL PALM BEACH BOULEVARD - ORANGE GROVE BOULEVARD TO PERSIMMON BOULEVARD

Palm Beach County and Indian Trail Water Control District Agreement dated 4/28/92

SCHOOL BOARD PROGRAM - INSTALLATION OF TRAFFIC SIGNALS

Per Board direction (Joint meeting of 2/8/95) for "quid pro quo" arrangement with School Board.

ROAD PROGRAM REVENUES	FY 94/95 BUDGETED	FY 94/95 ESTIMATED AT 5/2/95	FY 95/96 PROJECTED	FY 96/97 PROJECTED	FY 97/98 PROJECTED	FY 98/99 PROJECTED	TOTAL PROJECTED
LOCAL OPTION GASOLINE TAXES							
6 Cent Local Option Gas Tax - 1986	16,472,880	16,730,300	17,149,000	17,578,000	18,017,000	18,467,000	87,941,300
5 Cent Local Option Gas Tax - 1994	7,563,400	7,821,600	8,017,000	8,217,000	8,422,000	8,633,000	41,110,600
1 Cent Local Option Gas Tax - 1994	2,133,260	2,273,300	2,330,000	2,388,000	2,448,000	2,509,000	11,948,300
TRANSFER FROM (TO) MASS TRANSIT	0	0	(1,152,500)	(836,500)	(522,300)	0	(2,511,300)
TOTAL GASOLINE TAXES	26,169,540	26,825,200	26,343,500	27,346,500	28,364,700	29,609,000	138,488,900
IMPACT FEES	8,129,624	10,230,000	10,433,000	10,640,000	11,897,000	11,897,000	55,097,000
INTEREST EARNINGS	3,845,400	6,046,900	4,982,500	4,978,000	5,276,000	5,439,000	26,722,400
MISCELLANEOUS	1,379,618 D	1,379,618	0	0	0	0	1,379,618
BOND ISSUE PROCEEDS	0	0	0	28,810,000 B	0	0	28,810,000
BOND ISSUE DEBT SERVICE	0	0	0	0	(11,000,000)C	(11,000,000)C	(22,000,000)
LESS 5% STATUTORY RESERVES	(1,907,228)	0	(2,145,575)	(2,190,050)	(2,303,000)	(2,347,250)	(8,985,875)
TOTAL CURRENT REVENUES	37,616,954	44,481,718	39,613,425	69,584,450	52,234,700	33,597,750	219,512,843
BALANCES FORWARD							
FROM GENERAL REVENUES	10,909,319	10,909,319	16,601,037	36,462	3,530,912	495,612	10,909,319
FROM IMPACT FEES	0	0	3,272,000 A	0	2,410,000 E	0	5,682,000
TOTAL REVENUES	48,526,273	55,391,037	59,486,462	69,620,912	38,175,612	34,093,362	236,103,362
PROJECT COSTS AS PROPOSED	48,144,000	38,790,000	59,450,000	66,090,000	37,680,000	28,840,000	230,850,000
REVENUES LESS PROJECT COSTS	382,273	16,601,037	36,462	3,530,912	495,612	5,253,362	5,253,362

FOOTNOTES:

A - Impact Fee balances forward assigned to the Military Trail - Palmetto to Glades project (\$2,300,000) and to Lantana Road - Hagen Ranch Rd to Jog Rd project (\$972,000).

B - Bond proceeds dedicated to the Donald Ross Road Intracoastal Bridge project. Assumes \$2,000,000 of current revenues/carry over used to reduce bond amounts.

C - Bond debt service on Donald Ross Bridge project debt, assumes 3 year payback at 4% interest.

D - Represents \$220,000 from Boynton Beach for Miner Road, \$500,000 from Palm Beach Gardens for Northlake Blvd, \$161,000 from Binks Forest development and \$498,618 from Northern Palm Beach County Water Control District for Northlake Boulevard.

E - Impact Fee balances forward assigned to the Military Trail - Glades Rd to Clint Moore Rd project.

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 2.4 times the current year revenue projections at an interest rate of 5.5%.
 FY 94/95 and 95/96 interest estimates are based on budget projections using a 5.5% rate and estimated cash flows and cash balances by fund.

(DOLLAR AMOUNTS IN 1,000's)

PROJECT	LIMITS	DESCRIPTION	FY 94/95		FY 95/96		FY 96/97		FY 97/98		FY 98/99	
			COST-PHASE		COST-PHASE		COST-PHASE		COST-PHASE		COST-PHASE	
* 10th Avenue North	Military Trail - Congress Ave	2.0 mi, add ontr turn lane	0		0		0		1,810		0	
* 827A (Belle Glade)	Bolles Canal - SR 80	3.5 mi, 2 L reconst	0		4,840 C		0		0		0	
Belvedere Road	and Haverhill Road	extend center turn lanes	0		0		0		1,990 C		0	
Blue Heron Blvd	I-95 - Avenue S	1.2 mi, 6 L	0		1,620 C		0		0		0	
Center Street	Jones Creek & Sims Creek	bridges	0		1,710 C		0		0		0	
* Clint Moore Road	FDOT Turnpike Agreement	0.6 mi, 6 L	0		0		0		2,000 P		0	
Congress Ave	L-30 to L-28 Canal (@ Hunters Run)	1.0 mi, 6 L	1,390 C		0		0		0		0	
Congress Ave	Miner Road - Hypoluxo Road	1.0 mi, 6 L	0		0		0		1,210 C		0	
Congress Ave	Blue Heron Blvd - Northlake Blvd	1.6 mi, 2/3 L	0		3,070 C		0		0		0	
Crestwood Ave	Folsom Rd - Okeechobee Blvd	1.1 mi, 4 L	0		0		2,500 C		0		0	
* Donald Ross Rd	Prosperity Farms Rd - US 1	1.3 mi, 4/6 L	0		3,030 R		30,810 C		0		0	
Donald Ross Rd	Prosperity Farms Rd - US 1 (Mitigation)		0		1,800 M		0		0		0	
Flavor Pict Rd	West of E-3 Canal - Military Trail	0.5 mi, 2/3 L	0		0		1,840 C		0		0	
Folsom Rd/Crestwood	SR 80 - Okeechobee Blvd	1.5 mi, 2/4 L	0		2,970 C		0		0		0	
Forest Hill Blvd	at Southern Blvd (C-51 Canal)	bridge over C-51	0		1,140 C		0		0		0	
Glades Area	R&R Throughout the Glades	repair/reconst	800 C		800 C		800 C		800 C		800 C	
Gateway Blvd (NW 22nd)	Military Trail - Congress Ave	2.0 mi, 6 L	0		0		3,850 C		0		0	
Hagen Ranch Road	Boynton Canal - L-22 Canal(Aberdeen)	0.3 mi, 2 L	600 R		320 C		0		0		0	
Haverhill Rd	at Okeechobee Blvd	intersection improv	750 C		0		0		0		0	
Haverhill Rd	45th St - Beeline Hwy	2.5 mi, 5 L	0		0		0		5,920 C		0	
Indiantown Rd	130th Ave - Jupiter Farms Rd	3.1 mi, 4 L	1,720 M		7,030 C		0		0		0	
Indiantown Rd	Jupiter Farms Rd - Fl. Turnpike	2.5 mi, 4 L	7,150 C		0		0		0		0	
Intersection Program	Countywide	intersection improv	3,500 C		3,400 C		4,000 C		4,000 C		4,000 C	
Jog Road	Clint Moore Rd - N. of Civic Center	1.7 mi, 6 L	0		1,990 C		0		0		0	
Jog Road	N. of Civic Center - Linton Blvd	0.5 mi, 6 L	0		520 C		0		0		0	
Jog Road	Woolbright Rd - Boynton Beach Blvd	1.1 mi, 2/3 L	1,140 C		0		0		0		0	
Jog Road	Boynton Beach Blvd - Hypoluxo Road	2.3 mi, 4/6 L	100 R		4,000 C		0		0		0	
Jog Road	Lake Worth Road - Forest Hill Blvd	2.2 mi, 6 L	1,790 C		0		0		0		0	
* Jog Road/Roebuck Road	Okeechobee Blvd - Haverhill Rd	3.5 mi, 6 L	0		0		2,160 R		0		14,300 C	
* Jog Road/Roebuck Road	Okeechobee Blvd - Haverhill Rd (Mitigation)		0		0		0		510 M		550 M	
Lake Ida Road	El Clair Ranch Rd - Military Tr	1.7 mi, 2/3 L	1,670 C		0		0		0		0	
Lake Worth Road	South Shore Blvd - Wycliffe	2.9 mi, 2/3 L	1,850 R		0		3,780 C		0		0	
* Lantana Road	FDOT Turnpike Agreement	0.6 mi, 6 L	0		390 P		0		0		0	
* Lantana Road	Hagen Ranch Rd - Jog Rd	0.7 mi, 6 L	0		1,970 C		0		0		0	
Lawrence Road	Gateway Blvd - Hypoluxo Rd	2.0 mi., 5 L	0		0		0		3,620 C		0	

* = See footnotes; S = Study; D = Design; M = Mitigation; R = Right of Way; C = Construction; P = Payment; B = Beautification; L = Street Lighting